

APA-1
6/93

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 820 Department or Agency Office of The Secretary of State
Rule No. 820-2-8
Rule Title Procedures and Requirements for Submission of Notices
of Vacancies by State Boards and Commissions
x New Amend Repeal Adopt by Reference

Would the absence of the proposed rule
significantly harm or endanger the public
health, welfare, or safety?

Yes

Is there a reasonable relationship between the
state's police power and the protection of the
public health, safety, or welfare?

Yes

Is there another less restrictive method of
regulation available that could adequately
protect the public?

No

Does the proposed rule have the effect of
directly or indirectly increasing the costs
of any goods or services involved, and, if so,
to what degree?

No

Is the increase in cost, if any, more harmful
to the public than the harm that might result
from the absence of the proposed rule?

No

Are all facets of the rulemaking process
designed solely for the purpose of, and so
they have as their primary effect, the
protection of the public?

Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is
required to be accompanied by a fiscal note prepared in accordance with
subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full
compliance with the requirements of Chapter 22, Title 41, Code of
Alabama 1975, and that it conforms to all applicable filing
requirements of the Administrative Procedure Division of the
Legislative Reference Service.

Signature of certifying officer

Nancy L. Worley

Date

9/20/2006

REC'D & FILED

SEP 20 2006

LEGISLATIVE REF SERVICE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Secretary of State

RULE NO. & TITLE: Chapter 820-2-8
Procedures and Requirements for Submission of Notices of
Vacancies by State Boards and Commissions

INTENDED ACTION:
To provide the public with access to notices of vacancies in existing boards/commissions
and to inform the public of newly formed boards/commissions.


SUBSTANCE OF PROPOSED ACTION:
These proposed administrative regulations are designed to comply with Act No. 2006-630, which establishes a centralized collection and display of appointees of state boards, commissions, and tasks forces for viewing by the general public; mandates the posting of notices of vacancies in existing state boards, commissions, and tasks forces by the Office of the Secretary of State via the Internet; mandates the posting of notices of the creation of any new state boards, commissions, and tasks forces by the Office of the Secretary of State via the Internet; requires weekly publication of a list of all notices of vacancies by the Office of the Secretary of State via the Internet; and requires an update of the centralized collection and display of appointees of state boards, commissions, and tasks forces for viewing by the general public on an annual basis.

TIME, PLACE, MANNER OF PRESENTING VIEWS:
Views may be presented in writing to the contact person below or orally if requested in advance by personally appearing in Room S-105, Alabama State Capitol, Montgomery, Alabama, at 10:00 a.m., Friday, November 3, 2006.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE

November 3, 2006

CONTACT PERSON AT AGENCY:
Adam Alexander


Adam Alexander
Programmer/Analyst, Associate

STATE OF ALABAMA
THE OFFICE OF THE SECRETARY OF STATE OF ALABAMA

RULE 820-2-8
PROCEDURES AND REQUIREMENTS FOR SUBMISSION
OF NOTICES OF VACANCIES BY STATE BOARDS AND COMMISSIONS

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820-2-8-.01 Applicability of Alabama Act Number 2006-630

This administrative regulation is to comply with the requirements of Alabama Act Number 2006-630, which establishes a centralized collection and display of appointees of state boards, commissions, and tasks forces for viewing by the general public; mandates the posting of notices of vacancies in existing state boards, commissions, and tasks forces by the Office of the Secretary of State via the Internet; mandates the posting of notices of the creation of any new state boards, commissions, and tasks forces by the Office of the Secretary of State via the Internet; requires weekly publication of a list of all notices of vacancies by the Office of the Secretary of State via the Internet; and requires an update of the centralized collection and display of appointees of state boards, commissions, and tasks forces for viewing by the general public on an annual basis. Act Number 2006-630 also requires the provision of a computer terminal that is accessible to the general public during regular business hours for the viewing of notices on the Internet website for the Office of the Secretary of State. Copies of the Act Number 2006-630 may be obtained on the website www.sos.state.al.us/, without charge, or from the Secretary of State's Office, State Capitol, Room S-105, Montgomery, Alabama 36130.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.02 Definitions

(1) For the purposes of this chapter, "board" shall mean a state board, commission, committee, task force, or similar multi-member entity created by executive order of the Governor or by law and having statewide or regional jurisdiction or application.

(2) For the purposes of this chapter, "vacancy" shall mean a vacancy in an existing board, or a new, unfilled board position

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.03 Mandatory Registration of All Boards, Commissions, Committees, Task Forces, Etc.

All state boards, commissions, committees, task forces, or similar multi-member entities created by executive order of the Governor shall register with the Office of the Secretary of State on or before December 4, 2006. Registration information shall include the name of the board; its mailing address, telephone number, email address, number of positions on the board, and whether the entity is registering as a new or existing board; the name of each appointee to the board; the date of appointment, the term of appointment, and the expiration date of the term of appointment of each appointee; and the name and position of the appointing authority of each appointee. Upon proper registration, the board shall receive a letter of confirmation from the Office of the Secretary of State containing the username and password to be used by that board. The information submitted by the board shall be posted on the website of the Secretary of State and made available to general public on January 4, 2007.

Author: Adam Alexander

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.04 Annual Update of Registration of All Boards, Commissions, Committees, Task Forces, Etc.

All state boards, commissions, committees, task forces, or similar multi-member entities created by executive order of the Governor or by law shall submit an update of registration information to the Office of the Secretary of State, on an annual basis. The update information shall be submitted to the Office of the Secretary of State on or before the 4th day of December each year. Updated registration information shall include the name of the board; its mailing address, telephone number, email address, number of positions on the board; the name of each appointee to the board; the date of appointment, the term of appointment, and the expiration date of the term of appointment of each appointee; and the name and position of the appointing authority of each appointee. Upon proper update of registration, the board shall receive an email confirmation from the Office of the Secretary of State and the information submitted by the board shall be posted on the website of the Secretary of State and made available to general public on or before the 4th day of January each year.

Author: Adam Alexander

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.05 Method for Submission of Registration Information and Notices of Vacancies

To submit registration information, the board shall first send an email message to the email address of boards.commissions@sos.alabama.gov requesting the creation of a user account to access web pages on the Secretary of State's website for registration and registration update purposes. This email message shall include the name of the board, its mailing address, email address, the name of a contact person for the board, and a phone number for the provided contact person. Once this account is created, a username and password will be issued to the board. The board will then log on to the web pages provided

on the Secretary of State's website and complete the web form(s) necessary to submit board registration information.

To submit updated registration information, the board shall log on to the web pages provided on the Secretary of State's website and complete the web form(s) necessary to update the board registration information.

To submit notices of vacancies, the board shall log on to the web pages provided on the Secretary of State's website and complete the web form(s) that request specific notice information.

Author: Adam Alexander

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.06 Proper Notice Requirements

Notices of vacancies posted by the Secretary of State shall include the following information: the name of the board, date of the upcoming appointment, term of the upcoming appointment, expiration date of the upcoming appointment, reason for the vacancy, and the name and position of the appointing authority for each vacancy.

Author: Adam Alexander

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.07 Notices of Vacancies for Existing Boards Posted for Forty-Five (45) Days Prior to Expiration of Term.

The chair of all existing state boards, commissions, committees, task forces, or similar multi-member entities created by executive order of the Governor or by law shall submit notices of vacancies at least forty-five (45) days prior to the expiration of an appointee's term of office.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.08 Notices of Vacancies for Newly Created Board Positions and Other Vacancies

The chair of all existing state boards, commissions, committees, task forces, or similar multi-member entities created by executive order of the Governor or by law shall submit notices of vacancies at least fifteen days (15) days prior to the appointment to a newly created board position or to the appointment of a board position made vacant for any reason other than the expiration of a term of office.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.09 Notices of Vacancies for Newly Created Boards, Commissions, Committees, Task Forces, Etc.

The chair of any newly created state boards, commissions, committees, task forces, or similar multi-member entities created by executive order of the Governor or by law shall submit notices of vacancies within fifteen (15) days after the creation of the board.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.10 Submission of Notices

Notices may be submitted on the Internet website for the Office of the Secretary of State at anytime, daily, except between the hour of 5:00 p.m. and 6:00 p.m., when the website shall undergo maintenance and technical support.

Author: Adam Alexander

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.11 Confirmation of Receipt by the Office of the Secretary of State of Alabama

The submission of notice shall not be complete until the governmental body that submits the notice receives a confirmation of receipt from the Office of the Secretary of State by electronic mail. Upon the issuance of the confirmation of receipt, the Secretary of State shall post the notice on the Internet website for the Office of the Secretary of State.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.12 Record of Posting

Any governmental body that posts notice through the Office of the Secretary of State shall be responsible for the retention of a record of the confirmation forms, which shall be provided as a courtesy by the Office of the Secretary of State by electronic mail and issued at the time notice is posted.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.13 Accuracy of Posted Materials

The Office of the Secretary of State shall not be responsible for the content of any notice that is posted on the Internet website or any direct notice. The Office of the Secretary of State shall make no representation as to the accuracy of any notice that is posted on the Internet website or any direct notice.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.14 Public Access to Computer Terminal

The Office of Secretary of State shall provide a computer terminal that the general public may use to view notices of meetings posted on the Internet website for the Office of the Secretary of State. This computer terminal shall be located in Room E-204 on the second floor of the Alabama State Capitol, 600 Dexter Avenue, Montgomery, AL 36130. The computer terminal shall be made available to the general public during the office hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, with the exception of state holidays. Any person who uses the computer terminal shall provide the Office of the Secretary of State with his/her name, physical address, the date and time of use of the computer terminal, and the purpose of the person's use of the computer terminal. This information shall be submitted on the "Log In" form that will be placed at the desk where the computer terminal is located.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.15 Denied Access to Computer Terminal

Any person who is denied access to the computer terminal may submit a written complaint to the Office of the Secretary of State within thirty (30) days of the date of denial of access. The Office of the Secretary of State shall respond to the complaint in a written and final decision that shall grant access to the computer terminal or state the basis for denial of access. The response from the Office of the Secretary of State shall be issued within sixty (60) days of the receipt of the complaint.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006

820-2-8-.16 Disclaimer

Compliance with the notice requirements set forth in Act Number 2006-630 is the responsibility of the board. The notices posted by the Office of the Secretary of State shall appear in the exact form of submission to the Secretary of State by the governmental body. The Office of the Secretary of State shall be indemnified and held harmless from any liability for failure of notice due to typographical error or the failure by a governmental body to post notice in a timely manner. The Office of the Secretary of State is not responsible for the failure of notice due to computer malfunction or the unavailability of the server that hosts the Internet website for the Office of the Secretary of State. The Office of the Secretary of State shall be indemnified and held harmless from any liability for failure of notice due to computer malfunction or the unavailability of the server that hosts the Internet website for the Office of the Secretary of State.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2006-630

History: New Rule: Notice of Intended Action Filed September 20, 2006